

Introduced by Senator Torlakson

February 22, 2005

An act to amend Section 1773 of the Labor Code, relating to public works.

LEGISLATIVE COUNSEL'S DIGEST

SB 940, as introduced, Torlakson. Public works.

Existing law generally requires the payment of the prevailing rate of per diem wages and the prevailing rate for holiday and overtime work to employees employed on public works projects that cost more than \$1,000. Existing law requires the Director of Industrial Relations to determine these wage rates and to provide these wage rates to an awarding body, as defined, that requests them.

This bill would require the director to publish on the department's Web site the available prevailing wage rates for residential projects.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1773 of the Labor Code is amended to
2 read:
3 1773. (a) (1) The body awarding any contract for public
4 work, or otherwise undertaking any public work, shall obtain the
5 general prevailing rate of per diem wages and the general
6 prevailing rate for holiday and overtime work in the locality in
7 which the public work is to be performed for each craft,
8 classification, or type of worker needed to execute the contract
9 from the Director of Industrial Relations. The holidays upon
10 which those rates shall be paid need not be specified by the

1 awarding body, but shall be all holidays recognized in the
2 applicable collective bargaining agreement. If the prevailing rate
3 is not based on a collectively bargained rate, the holidays upon
4 which the prevailing rate shall be paid shall be as provided in
5 Section 6700 of the Government Code.

6 ~~If~~

7 (2) *In* determining the rates, the Director of Industrial
8 Relations shall ascertain and consider the applicable wage rates
9 established by collective bargaining agreements and the rates that
10 may have been predetermined for federal public works, within
11 the locality and in the nearest labor market area. Where the rates
12 do not constitute the rates actually prevailing in the locality, the
13 director shall obtain and consider further data from the labor
14 organizations and employers or employer associations concerned,
15 including the recognized collective bargaining representatives for
16 the particular craft, classification, or type of work involved. The
17 rate fixed for each craft, classification, or type of work shall be
18 not less than the prevailing rate paid in the craft, classification, or
19 type of work.

20 ~~If~~

21 (3) *If* the director determines that the rate of prevailing wage
22 for any craft, classification, or type of worker is the rate
23 established by a collective bargaining agreement, the director
24 may adopt that rate by reference as provided for in the collective
25 bargaining agreement and that determination shall be effective
26 for the life of the agreement or until the director determines that
27 another rate should be adopted.

28 (b) *The director shall regularly post on the department's Web*
29 *site all available general prevailing rates of per diem wages and*
30 *the general prevailing rates for holiday and overtime work for*
31 *residential projects that are a public work, within the meaning of*
32 *Section 1720.*

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